

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Decertification Election – Bargaining Unit 19	REFERENCE NUMBER: 2006-007
DATE ISSUED: 02/22/06	SUPERSEDES:

This memorandum should be forwarded to:

**Labor Relations Officers
Personnel Officers
Human Resources Managers**

FROM: Department of Personnel Administration
Labor Relations Division

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United Health & Social Service Professionals (United Professionals) currently is attempting to decertify the American Federation of State, County, and Municipal Employees (AFSCME) as the exclusive representative of State Bargaining Unit 19 (Health and Social Services/Professional). The decertification election ballots will be counted on April 13, 2006.

Notices of Election

All agencies and departments with employees in Bargaining Unit 19 will be provided with copies of the PERB "Notice of Mailed Ballot Election" no later than February 27, 2006. In accordance with PERB instructions, these notices are to be posted conspicuously on all employee bulletin boards in each facility with employees in Unit 19 classifications. (Unit 19 classifications are listed on the reverse of the notice.) The intent of this order is to provide the broadest distribution possible and ensure that all Unit 19 employees are aware of the decertification election.

These notices are to be posted at all worksites **no later than March 6, 2006**, and are to remain posted through April 13, 2006. Each Department with Unit 19 employees are required to complete the attached Certification of Compliance upon completion of the postings.

An electronic copy of the "Notice of Mailed Ballot Election" will be posted on the PERB website (www.perb.ca.gov) on March 1, 2006.

Neutrality

The law requires that the Unit 19 decertification election be conducted fairly, efficiently, and in full compliance with Public Employment Relations Board (PERB) instructions. All managers, supervisors, and other excluded employees are reminded that, as an employer, the State has no interest in the outcome of this election. The choice of an exclusive representative (or choosing "no representation") is a matter for represented employees of the bargaining unit to

decide. Managers, supervisors and excluded employees are cautioned not to make any statements or otherwise express favoritism or bias regarding the outcome of the election.

The term "all managers, supervisors, and other excluded employees" includes employees who are serving in out-of-class assignments, training and development assignments or otherwise serving in an "acting" capacity as a manager, supervisor or excluded employee as well as any employee holding any type of appointment (i.e., permanent, limited term, temporary, probationary, etc.) to a managerial, supervisory, or other excluded classification.

Access and Election Materials

During the election period, both AFSCME and United Professionals are entitled to meaningful access to employees. This means that both organizations, with prior notice and permission, may visit the worksite and meet with employees **during non-work time** (e.g., breaks, meal periods, before and after work, etc.) and **in non-work areas** consistent with each department's access policies.

Both AFSCME and United Professionals may post materials at the worksites. Where a bulletin board exists for the exclusive use of AFSCME, equivalent posting space must be made available to United Professionals upon request. Facility management shall identify *other existing bulletin boards* for this purpose.

Any material mailed to individual employees at the work address is to be stamped and handled as any other first class mail to the employees would be handled. Departments are not to distribute bulk mailings from either organization.

/s/Dave Gilb

Dave Gilb
Chief of Labor Relations